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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/720,211      | 11/25/2003  | Hidekazu Tanno       | Q78595              | 4996             |

23373 7590 10/10/2007  
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| EXAMINER |
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FRANCIS, MARK P

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| ART UNIT | PAPER NUMBER |
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2193

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| MAIL DATE | DELIVERY MODE |
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10/10/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/720,211

Applicant(s)

TANNO ET AL.

Examiner

Mark P. Francis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is responsive to the amendment filed July 23, 2007.
2. Per applicants' request, claims 1-13 remain pending and claims 14-19 are newly introduced.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by  
Moshaiov. (U.S. Pat 6,678,726)

### *Independent claims*

With respect to claims 1,3,5,6,10, and 11, Moshaiov discloses The detection server(Col 3:55-61, "...by processing unit for automatically detecting changes in the network configuration..." ) for omission-in-software-property-management(Col 5:40-50, "...When

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there is more than one connected network, the set-up operator is prompted to select the proper connected network out of a given list...) using a network for detecting a computer omitted from a software-property management which manages, (Col 4:35-40, "...The personal computer may operate in a networked environment...")for each computer, basic information thereof and installed software, and fix-patch application status, wherein a network-connected-computer list which holds, (Col 9:15-25, "...and a list of certain servers...") for all computers connected to a given network, information for identifying each computer, (Col 8:45-55, "...a unique identifier of the site which the client belongs...") is received from a network-connection-management server including said network-connected-computer list, (Col 8:20-30, "...assumes it has moved...") a software-property management list which holds, (Col 9:15-25, "...and a list of certain servers...")for all computers to be managed by said software-property management, information for identifying each computer, (Col 10:30-40, "...retrieves a list of DS servers from its registry...") is received from a software-property management server including said software-property management list, (Col 10:30-40, "...retrieves a list of DS servers from its registry...")and said network-connected-computer list(Col 11:1-15, "...The client computer extracts the site and connected network...") and said software-property management list are used as a basis on which a computer is extracted that is present in said network-connected-computer list (Col 11:1-15, "...The client computer extracts the site and connected network...")and absent in said software-property management list, and there is created a list of computer omitted in the software-property management. (Col 11:1-15, "...The client computer extracts the site and connected

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network...")

**Dependent claims**

With respect to claims 2, 4, 7, 8, and 12, the rejection of claims 1, 3, 5, 6 and 11 are incorporated respectively and further, Moshaiov discloses that the omission-in-software-property-management detection server (Col 10:30-40, "...retrieves a list of DS servers from its registry...") uses said network-connected-computer list (Col 11:1-15, "...The client computer extracts the site and connected network...") and said software-property management list as a basis to extract a computer that is present in said software-property management list and absent in said network-connected-computer list, and to create a list of computer in unused state. (Col 11:1-15, "...The client computer extracts the site and connected network...")

With respect to claims 9 and 13, the rejection of claims 8 and 11 are incorporated respectively and further, Moshaiov discloses that said server sorts said network-connected-computer list and said software-property management list, (Col 10:30-40, "...retrieves a list of DS servers from its registry...") and uses these sorted network-connected-computer list (Col 9:15-25, "...and a list of certain servers...") and software-property management list as a basis to create said list of a computer omitted in software-property management or said list of computer in unused state. (Col 11:1-15, "...The client computer extracts the site and connected network...")

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With respect to claim 14, the rejection of claim 1 is incorporated and further Moshaiov discloses that the network-connected-computer list is compared with the software-property management list as the basis on which the computer is extracted. (Col 11:1-15, "...The client computer extracts the site and connected network...")

With respect to claim 15, the rejection of claim 14 is incorporated and further Moshaiov discloses that the difference between the network-connected-computer list and the software-property management list is extracted. (Col 9:15-25, "...and a list of certain servers...")

With respect to claim 16, the rejection of claim 1 is incorporated and further Moshaiov discloses that the computer omitted in software-property management is a computer connected to the network not under software-property management. (Col 10:30-40, "...retrieves a list of DS servers from its registry...")

With respect to claim 17, the rejection of claim 16 is incorporated and further Moshaiov discloses that the computer not under software-property management includes a computer operating under with an unknown operating system, software version, or patch-application status. (Col 8:45-55, "...a unique identifier of the site which the client belongs...")

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With respect to claim 18, the rejection of claim 1 is incorporated and further Moshaiov discloses that the list of computer omitted in the software-property management includes information of the computer extracted. (Col 9:15-25, "...and a list of certain servers...")

With respect to claim 19, the rejection of claim 2 is incorporated and further Moshaiov discloses that the list of computer in unused state indicates a list of unused software. (Col 10:30-40, "...retrieves a list of DS servers from its registry...")

### ***Response to Arguments***

7. Applicant's arguments filed on July 23, 2007 have been fully considered but they are not persuasive. Following is the Examiner's response to Applicants' arguments.

With respect to claims 1,3,5,6,10 and 11, Applicant essentially argues that Moshaiov et al. does not anticipate the features of this claim because Moshaiov et al. does not teach or suggest a detection method which detects and manages the omission of software in a computer located on a network, as required by the present invention.

In response, the Examiner differs, Note Col 5:37-67, it is here that Moshaiov teaches that when a server address is changed as detected by the server computer upon startup of the message queuing software, an administrative event is issued for operator intervention. Moshaiov also states that the server computer will perform automatic detection of message queuing addresses should there be a single address

change per protocol supported. In this instance if a change is detected then software has been omitted. Therefore Derrick does suggest a detection method which detects and manages the omission of software in a computer located on a network, as required by the present invention.

With respect to claims 1,3,5,6,10 and 11, Applicant essentially argues that Moshaiov et al. does not anticipate the features of this claim because Moshaiov et al. does not teach or suggest detecting a computer omitted in software-property management by a server on a network, in which the computer omitted in software-property management is a computer connected to the network but not under software-property management.

In reply, The Examiner disagrees, Note Col 8:20-33, it is here that Moshaiov discloses that a client computer has detected a change in its network and the client computer assumes that it has moved and thus needs to detect its current site and connected network(s). By assuming that the client computer has moved it is therefore omitted in software-property management by a server on a network. Thus, Moshaiov does teach detecting a computer omitted in software-property management by a server on a network, in which the computer omitted in software-property management is a computer connected to the network but not under software-property management.

With respect to claims 1,3,5,6,10 and 11, Applicant essentially argues that Moshaiov et al. does not anticipate the features of this claim because Moshaiov et al. does not teach



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or suggest reading on a list of information for identifying each computer for all computers being managed by said software-property management.

In reply, the Examiner differs, Note Col 11:1-15, it is here that Moshaiov teaches that after the client receives a valid server reply, the client computer now can extract the list of site and connected network addresses, as well as a list of DS servers contained within the server reply. Thus, Moshaiov does teach reading on a list of information for identifying each computer for all computers being managed by said software-property management.

With respect to claims 1,3,5,6,10 and 11, Applicant essentially argues that Moshaiov et al. does not anticipate the features of this claim because Moshaiov et al. does not teach or suggest using or comparing the network-connected-computer list and the software-property management list to determine a difference between the lists and extract a computer accordingly.

In response, the Examiner differs, Note Col 5:37-52, it is here that Moshaiov teaches that the retrieved network information is compared to the last network configuration to determine any changes to addresses within the one or more supported protocols and there is a an administrative notification event is issued to report the detected change in the network configuration. Therefore, Moshaiov does teach using or comparing the network-connected-computer list and the software-property management list to determine a difference between the lists and extract a computer accordingly.

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With respect to claims 3,5,6,10 and 11, Applicant essentially argues that Moshaiov et al. does not anticipate the features of this claim because Moshaiov et al. does not teach or suggest that the network-connected- computer list and the software-property management list are used as a basis on which a computer is extracted that is present in said network-connected-computer list and absent in said software-property management list, which is not disclosed by Moshaiov.

In reply, the Examiner disagrees, Note Col 8:20-33, it is here that Moshaiov discloses that a client computer has detected a change in its network and the client computer assumes that it has moved and thus needs to detect its current site and connected network(s). By assuming that the client computer has moved it is therefore omitted in software-property management by a server on a network. Thus, Moshaiov does teach that the network-connected- computer list and the software-property management list are used as a basis on which a computer is extracted that is present in said network-connected-computer list and absent in said software-property management list, which is not disclosed by Moshaiov.

### ***Conclusion***

**8. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark P. Francis whose telephone number is (571)272-7956. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai T. An can be reached on (571)272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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